

United States 7
Circuit Court of Appeals
For the Ninth Circuit.

SAM KLEINMAN,

Appellant,

vs.

PAUL W. SAMPSELL, Trustee in Bankruptcy of
the estate of Abraham Zemansky, David Ze-
mansky and Sol Zemansky, doing business un-
der the fictitious names and styles of Provident
Loan Association and State Loan Office, Bank-
rupts,

Appellee.

SUPPLEMENTAL
Transcript of Record
(SUMMARY OF ASSETS AND LIABILITIES
OF THE BANKRUPTS.)

VOLUME III
Pages 587 to 599

FILED

FEB 25 1943

PAUL P. O'BRIEN,
CLERK

Upon Appeal from the District Court of the United States
for the Southern District of California,
Central Division

No. 10236

United States
Circuit Court of Appeals
For the Ninth Circuit.

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PAUL W. SAMPSELL, Trustee in Bankruptcy of
the estate of Abraham Zemansky, David Ze-
mansky and Sol Zemansky, doing business un-
der the fictitious names and styles of Provident
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Transcript of Record
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VOLUME III
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Upon Appeal from the District Court of the United States
for the Southern District of California,
Central Division

In the United States District Court, in and for
The Southern District of California

Central Division

No. 34490-H

In the Matter of ABRAHAM ZEMANSKY, DA-
VID ZEMANSKY and SOLOMON ZEMAN-
SKY, doing business under the fictitious names
and styles of PROVIDENT LOAN ASSOCIA-
TION and STATE LOAN OFFICE,

Debtor.

DEBTORS' SCHEDULE OF CREDITORS

RECAPITULATION

Creditors holding securities	\$ 31,928.29
Creditors who claim to be secured.....	156,568.51
Other creditors holding securities.....	18,400.00
Unsecured creditors—all holding promissory notes for money borrowed	1,111,397.00
Unsecured creditors—Notes payable—Merchandise	7,287.32
Due to employees—wages and salaries.....	707.06
Open accounts payable—Goods, wares and mer- chandise, rents, public utilities, etc.....	6,525.22
Schedule of unsecured creditors holding outstand- ing checks including bank overdrafts.....	4,885.26
Other accounts payable	Amounts Unknown
Grand Total.....	\$1,337,698.66

United States of America

State of California

County of Los Angeles—ss.

I, Solomon Zemansky, being first duly sworn, de-
pose and say:

That I am one of the members of the firm of Zemansky Bros., transacting business under the names and style of Provident Loan Association and State Loan Office:

That the foregoing and attached schedule of Creditors secured and unsecured is a true and correct statement of schedule and list of creditors according to my best knowledge, information and belief.

SOLOMON ZEMANSKY

Subscribed and sworn to before me this 13th day of July, 1939.

V. I. MacMAHON

Notary Public in and for Said
County and State

[Endorsed]: Filed July 14, 1939.

[Title of District Court and Cause.]

SCHEDULE OF ALL ASSETS OF DEBTOR

1. Real Estate: An undivided one-third interest in Southerly 75 feet of lots 13 and 14. All of lots 17, 18 and 19. Westerly 75 feet of lots 20 and 21. All of lots 21, 22 and 23 . . . Block #1, replats of blocks 1 and 4 of the Vine Cottage Tract as per map recorded in book 59 . . . page 18 Misc. Records of said L. A. County\$ 12,500.00
Note: Property is 185 feet on Los Feliz, 150 feet on Central Ave., 50 feet on Cypress.
2. Cash on hand:..... 1,073.25
3. Bills of Exchange, Promissory Notes or Securities of any description: None except in the form of pledges.

3. Stock in trade as distinguished from pledges:
Located at the State Loan Office, 558 South
Main Street, Los Angeles, California, inven-
toried at \$101,864.22, appraised by appraisers
appointed by the Referee at..... 76,982.90
- 4a. Stock in trade located at the Provident Loan
Association Office, 706 So. Hill St., Los An-
geles, inventoried at 30,499.70, appraised by
appraisers appointed by the Referee at..... 14,047.53
- 4b. In addition to the merchandise shown above,
there are certain items of jewelry on deposit
with sundry creditors held by them as security
to claims aggregating approximately \$18,450.00,
which jewelry has a value of approximately
\$25,737.65, leaving an apparent equity of..... 7,287.65
5. Household goods and furniture, wearing ap-
parel, etc.: None, except as set forth in Sched-
ules filed by the individuals comprising the
debtor.
6. Books, prints, pictures: None.
7. Horses, cows, sheep and other animals: None.
8. Carriages and other vehicles: None.
9. Farming stock and implements of husbandry:
None.
10. Shipping and shares in vessels: None.
11. Machinery, fixtures, apparatus and tools: Fix-
tures and equipment located at Provident Loan
Association, inventoried at \$38,221.75, appraised
by appraisers appointed by the Referee at.....\$ 23,386.50
- 11a. Fixtures and equipment located at State Loan
Office, inventoried at \$12,662.50, appraised by
appraisers appointed by the Referee at..... 8,321.75
- 11b. Furniture and fixtures located at 1527 East
Seventh Street, Los Angeles, inventoried at
\$4,398.91, appraised by appraisers appointed by
the Referee at 1,250.00
12. Patents, copyrights and trade marks: None.
13. Other goods and personal property: None
except as hereinafter listed.

- | | | |
|------|--|------------|
| 14. | Pledges claimed to be held as security but in the actual possession of the Receiver—principal amount of pledges only..... | 139,706.35 |
| 14a. | Pledges claimed to be held by creditors as security not in possession of Receiver,—principal only | 43,014.80 |
| | Note: The validity of the repledges to creditors, whether or not possession changed, is not conceded by the debtor. Reference is made to Schedule of Creditors heretofore filed for full particulars with respect to the names of creditors holding securities and the amount of such creditors' claims. | |
| 14b. | Unencumbered pledges at the Provident Loan office, principal only | 33,724.74 |
| 14c. | Unencumbered pledges at the State Loan Office, principal only | 29,260.77 |
| 15. | Stock in incorporated companies, and negotiable bonds: 31¼ shares of stock in Redondo Properties Corporation, held in trust in name of Burnett Wolfson—Value unknown. | |
| 16. | Policies of insurance: None. | |
| 17. | Property in reversion, remainder or expectancy, including property held in trust for the debtor; None except as shown in subdivision 15 above. | |
| 18. | In addition to the foregoing list of assets the debtor holds the following:
Interests in outside enterprises which the debtor finds impossible to value at the present time or to make an intelligent estimate of the value, to-wit: | |
| | A one-half interest in Club Fortune, located at Reno, Nevada. | |
| | A five and one-third (51⅓%) per cent interest in a tango skill game operated at Butte, Montana. | |
| | A one-third (1⅓%) per cent interest in a card parlor operated in El Cerrito, Calif. | |
| | Full details of these enterprises and the interests of the debtor therein have been submitted to the Receiver and explained in detail | |

by Solomon Zemansky in examination proceedings under 21-a.

Total.....\$390,556.24

ZEMANSKY BROTHERS
By SOLOMON ZEMANSKY

Duly Verified.

[Endorsed]: Filed Aug. --, 1939.

[Title of District Court and Cause.]

AMENDMENT TO SCHEDULE OF
CREDITORS

Comes now Abraham Zemansky, David Zemansky and Solomon Zemansky and by leave of Court first had and obtained, hereby amend their schedule of creditors heretofore filed in the within matter by adding thereto the names of the following unsecured creditors, to-wit:

Name	Address	Amount of Claim
Pearl Hornick		Promissory note in the sum of....\$ 2,000.00
C. A. Hoffman	1123½ Queen Anne Pl., Los Angeles	Promissory notes in the sum of.... 2,000.00

Duly Verified.

Let the within be filed.

August 17, 1939.

ERNEST R. UTLEY,
Referee.

[Endorsed]: Filed Aug. 17, 1939.

[Title of District Court and Cause.]

SCHEDULE OF INDIVIDUAL ASSETS OF SOLOMON ZEMANSKY

1. Real estate	None
2. Cash on hand.....	Less than \$100.00
3. Bills, promissory notes and securities.....	None
4. Stock in trade.....	None
5. Household goods, etc.	None
6. Books, prints and pictures.....	None
7. Horses, cows and other animals.....	None
8. Carriages and other vehicles . . .	
1937 Cadillac 12 cylinder touring sedan, subject to lien in favor of General Motors for an unpaid balance of \$575.43.	
9. Farming stock and implements.....	None
10. Shipping and shares in vessels.....	None
11. Machinery, tools, etc.....	None
12. Patents, copyrights and trade marks.....	None
13. Other personal property . . . Ordinary wearing apparel and matters of adornment claimed to be exempt under the provisions of Sections 690, 690.1 et sec. of the Code of Civil Procedure of the State of California.	
14. Debts due on open account.....	None
15. Stocks, negotiable bonds, etc.....	None
16. Policies of insurance.....	None
17. Unliquidated claims	None
18. Deposits of money in banks and elsewhere.....	None
19. Property in reversion, remainder, trust, etc.....	None
20. Property claimed to be exempt . . . Ordinary wearing apparel and matters of adornment claimed to be exempt under the provisions of Sections 690, 690.1 et sec. of the Code of Civil Procedure of the State of California.	
21. Books, deeds and papers.....	None.

SOLOMON ZEMANSKY,
Petitioner.

Duly Verified.

[Endorsed]: Filed July 31, 1939.

[Title of District Court and Cause.]

SCHEDULE OF INDIVIDUAL ASSETS OF ABRAHAM ZEMANSKY

1. Real estate:

10 acres of land in North Sacramento, Sacramento County, California, free and clear except for taxes accumulated for some 3 or 4 years. Legally described as follows:

All of that certain property situate in the County of Sacramento, State of California, described as the east quarter of the North half of tract 45, as shown on the official plat of Greenwood, filed in the office of the Recorder of the County of Sacramento, State of California, August 17, 1914, in book 15 of Maps, page 10. Estimated value\$2,000.00

All that certain property situate in the County of San Mateo, State of California, described as lot #36, in block #14 of Hillcrest, as the same is designated upon the map of Hillcrest recorded March 14, 1907 in volume 14, Miscellaneous Records, at page 232 in the office of the County Recorder of San Mateo County. Free and clear except taxes. Estimated value..... 500.00

All that certain property situate in the County of Lincoln, State of Oregon, described as lot 3 in block 39; lots 4 and 9, block 46, Buford's First Addition to Alexandria; lot 12 in block 25; lot 8 of block 29; lots 7, 11 and 12 of block 30; lot 9, block 12; lot 5, block 13, and lot 9 of block 31, Buford's second addition to Alexandria.

Note: No taxes have been paid on this property for many years, and the same is believed to be either lost to the debtor or to have no value above the accumulated taxes.

2. Cash on handLess than \$100.00

3. Bills, promissory notes and securities . . . See Schedule 15, below.

4. Stock in trade..... None

5. Household goods, etc.....	None
6. Books, prints and pictures.....	None
7. Horses, cows and other animals.....	None
8. Carriages and other vehicles.....	None
9. Farming stock and implements.....	None
10. Shipping and sharing in vessels.....	None
11. Machinery, tools, etc.....	None
12. Patents, copyrights and trade marks.....	None
13. Other personal property: Miscellaneous assortment of old fashioned out of date yellow gold jewelry, estimated value	\$ 850.00

Explanatory note: In 1925 debtor was interested with another party in the operation and conducting of a jewelry store at Bisbee, Arizona. During the year of 1925 debtor discontinued his relationship with his partner and in the winding up of their affairs debtor received a miscellaneous lot of jewelry referred to, above, which he still has in his possession. It is possible that the estimated value may be high, by reason of the out of date character of the property.

In or about September, 1938, debtor placed with Gertrude Zemansky (daughter of debtor, who was operating a certain jewelry store in Hollywood), a certain lot of jewelry which actually belonged to the wife of debtor, but which has been treated, nevertheless, as the property of the debtor, and is therefore returned as his property. This merchandise was placed with said Gertrude Zemansky on memorandum, and as of the date of placing had a value of \$1066.00, less cost of mountings furnished by Gertrude Zemansky of \$199.00, leaving a balance of \$867.00. Gertrude Zemansky has paid to debtor the sum of \$596.00, by paying two life insurance premiums for debtor, each for the sum of \$183.00, and by giving debtor the sum of \$230.00 in cash, leaving a balance due to debtor from Gertrude Zemansky, either in merchandise or cash, in the sum of.....

271.00

Ordinary wearing apparel and matters of adornment claimed to be exempt under the provisions of Sections 690, 690.1 et sec. of the Code of Civil Procedure of the State of California.

14. Debtors due on open account..... None

15. Stocks, negotiable bonds, etc.

At the date of the filing of the petition petitioner owned 40 shares of stock in Wayne Pump Company, which was pledged with the Union Bank & Trust Company to secure a loan of \$500.00. The stock was sold by the Bank, and the difference in cash turned over to the undersigned, in the sum of..... 462.28

On the date of the filing of the petition debtor owned the following stock on margin, to-wit: 100 shares New York Central Railroad; 100 shares Real Silk Hosiery; 200 shares Stutz Motors; 40 shares Wayne Pump; 200 shares White Motors. All of this stock was and is in the possession of A. W. Morris & Co., Los Angeles offices in the Union Bank Building, 325 West 8th Street, and was subject to a total indebtedness of \$2818.61 as of July 27th, 1939. Debtor's equity as of July 28, based on market quotations, was..... 2,083.50

This stock account was carried in the name of Gertrude Zemansky, daughter of debtor, and had been so carried since 1933, but in trust, nevertheless, for the debtor.

Debtor holds 100 shares of stock in Columbia Gas, and 100 shares of stock—common—in Warner Brothers. These two blocks were held by the Pacific Company, 623 South Hope Street, and as of July 27, 1939, debtor was advised by the Pacific Company that the credit balance in favor of debtor was the sum of..... 407.74

1 share of Union Oil Company, approximately 18.50

16. Policies of insurance:

The following policies in New York Life Insurance Company:

- 1 policy for \$5000, issued September 10, 1908, #4096-447D, annual premiums \$107.45, cash surrender value \$2055, less indebtedness of \$1891.86, net cash value..... 163.14
- Policy #1001884, issued June 4, 1907, \$3000, annual premium \$92.40. Cash value \$1863 less indebtedness of \$1755.20, net value..... 107.80
- The following policies in the Equitable Life Assurance Society: Policy #2328702, \$10,000. Annual premium \$367.30. Cash surrender value (no loans are against this)..... 6,408.00
- Policy #2328703, \$25,000, issued April 11, 1918. Annual premium \$939.00. Surrender value \$15,531, subject to outstanding loan of \$7075.16, present cash surrender value..... 8,455.84
- Term Policy #10766538, \$25,000. Annual premium \$732.00. This policy has no surrender value.
17. Unliquidated claims None
18. Deposits of money in banks and elsewhere..... None
19. Property in reversion, remainder, trust, etc..... None
20. Property claimed to be exempt: Ordinary wearing apparel and matters of adornment claimed to be exempt under the provisions of Sections 690, 690.1 et sec of the Code of Civil Procedure of the State of California. Such of the policies of life insurance listed above as represent an annual premium of \$500.00.
21. Books, deeds and papers: Only such papers as indicate the ownership of the property scheduled herein.

ABRAHAM ZEMANSKY,
Petitioner.

Duly Verified.

[Endorsed]: Filed July 31, 1939.

[Title of District Court and Cause.]

SCHEDULE OF INDIVIDUAL ASSETS OF DAVID ZEMANSKY

1. Real estate	None
2. Cash on hand.....	Less than \$100.00
3. Bills, promissory notes and securities.....	None
4. Stock in trade.....	None
5. Household goods, etc.....	None
6. Books, prints and pictures.....	None
7. Horses, cows and other animals.....	None
8. Carriages and other vehicles.....	None
9. Farming stock and implements.....	None
10. Shipping and shares in vessels.....	None
11. Machinery, tools, etc.....	None
12. Patents, copyrights and trade marks.....	None
13. Other personal property—Ordinary wearing apparel and matters of adornment claimed to be exempt under the provisions of Sections 690, 690.1 et sec. of the Code of Civil Procedure of the State of California.	
14. Debts due on open account.....	None
15. Stocks, negotiable bonds, etc.....	None
16. Policies of insurance.....	None
17. Unliquidated claims	None
18. Deposits of money in banks and elsewhere.....	None
19. Property in reversion, remainder, trust, etc.....	None
20. Property claimed to be exempt . . . Ordinary wearing apparel and matters of adornment claimed to be exempt under the provisions of Sections 690, 690.1 et sec of the Code of Civil Procedure of the State of California.	
21. Books, deeds and papers.....	None

DAVID ZEMANSKY,
Petitioner.

Duly Verified.

[Endorsed]: Filed July 31, 1939.

District Court of the United States
Southern District of California
Central Division

United States of America
Southern District of California—ss.

CERTIFICATE OF CLERK TO SUPPLEMENTAL TRANSCRIPT OF RECORD

I, Edmund L. Smith, Clerk of the United States District Court for the Southern District of California, do hereby certify that the foregoing is a full, true, and correct copy of a portion of Debtors' Schedule of Creditors, to-wit the Recapitulation and verification, filed July 14, 1939; Schedule of All Assets of Debtor; Amendment to Schedule of Creditors; Schedule of Individual Assets of Solomon Zemansky; Schedule of Individual Assets of Abraham Zemansky and Schedule of Individual Assets of David Zemansky all in the Matter of Abraham Zemansky, David Zemansky, and Solomon Zemansky, doing business under the fictitious names and styles of Provident Loan Association and State Loan Office, Debtor, No. 34490-H—In Bankruptcy, as the same appears from the original record remaining in my office.

I further certify that the fees of the clerk for preparing, comparing, correcting and certifying the foregoing amount to \$9.50 which sum has been paid to me by Appellee.

Witness my hand and the seal of said Court, this
26th day of January, A. D. 1943.

[Seal] EDMUND L. SMITH,
 Clerk,
By THEODORE HOCKE,
 Deputy Clerk.

[Endorsed]: No. 10236. United States Circuit
Court of Appeals for the Ninth Circuit. Sam Klein-
man, Appellant, vs. Paul W. Sampsell, Trustee in
Bankruptcy of the estate of Abraham Zemansky,
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Appellee. Supplemental Transcript of Record. Upon
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Division.

Filed February 1, 1943.

PAUL P. O'BRIEN

Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

